1849 California Constitution Fact Sheet

CALIFORNIA STATE ARCHIVES

Constitution Adopted at Convention in Colton Hall in Monterey

California's first Constitutional Convention met for thirty-seven days in Monterey, from September 1 to October 13, 1849. The constitution was approved by the delegates on October 10-11, 1849 and ratified by the electorate one month later. (12,061 in favor; 811 against) The first legislature met December 15, 1849, in San Jose, and petitioned Congress to admit California to the Union. California was admitted to the Union on September 9, 1850.

Much of the 1849 Constitution was based heavily upon the constitution of Iowa, and to a lesser degree, the constitution of New York.

Convention Delegates Were Men from Varied Backgrounds

Most of the delegates to the Convention came from states east of the Mississippi, with the highest number (10) from New York. Of the 48 delegates, six were born in California. Nineteen had lived in the area for less than three years.

The ages of the delegates ranged from twenty-five to fifty-three. The two youngest, J. Hollingsworth and J.M. Jones, hailed from Maryland and Kentucky, respectively. They represented the San Joaquin district. The oldest delegate was Californio José Carrillo, representing the Los Angeles district.

Creating Document on Parchment was Laborious Task

John Hamilton, West Point Class of 1847, enrolled (**enrolled** – put in a record, as a deed or other legal document) the Constitution on parchment while on his first tour of duty in Monterey. He wrote steadily for three days and nights to complete the laborious task. He was paid $500 for his efforts.

The engrossed Constitution is written on both sides of nineteen parchment – animal skin -- pages, each measuring 12 1/2" by 15 1/2".

The last page is devoted to the signatures of the delegates. Delegate Pedro Sainsevain's name was written in pencil, by Hamilton, on the final page of the Constitution. Sainsevain did not sign his name in ink as he was absent for ten days because of family sickness.

Constitution Required English and Spanish Documents

W.E.P. Hartnell was the official translator for the Convention. Section 21, Article XI of the 1849 Constitution decreed that all laws must be published in Spanish and English. Thus, for its first 30 years, California was a bilingual state. This provision was not included in the 1879 Constitution. The Spanish translation was written on 45 pages of heavy white paper, measuring 7 1/2" x 12".

Constitution Rarely Amended

The Constitution of 1849 was amended only three times in thirty years - in 1856, 1862, and 1871. In comparison, during the first thirty years after the adoption of the 1879 Constitution, eighty-six amendments were proposed and fifty-two were adopted.

The original 1849 Constitution is housed at the California State Archives.